

HOUSE BILL No. 1085

DIGEST OF HB 85 (Updated March 1, 1999 3:47 pm - DI 75)

Citations Affected: IC 3-10; IC 3-13; IC 5-8; IC 33-5; IC 34-46; noncode.

Synopsis: Local elections. Requires the election of judges in Lake County and St. Joseph County. Eliminates the Lake County judicial nominating commission, the St. Joseph County judicial nominating commission, and the St. Joseph County judicial qualifications commission. Continues current judges in office until the end of the judges' current terms. Provides that a municipal primary election and a municipal election may be held in presidential election years beginning in 2000. Requires a municipal election to be held in presidential election years whenever the municipal primary election is held in a presidential election year.

Effective: July 1, 1999.

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January 6, 1999, read first time and referred to Committee on Elections and Apportionment.
February 25, 1999, amended, reported — Do Pass.
March 1, 1999, read second time, amended, ordered engrossed.



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Reprinted
March 2, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1085

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-10-6-2 IS AMENDED TO READ AS
2 FOLLOWS: Sec. 2. (a) Except as otherwise provided in this chapter,
3 a municipal primary election ~~shall~~ **may** be held on the first Tuesday
4 after the first Monday in May 1999 and every four (4) years thereafter
5 **or may be held on the first Tuesday after the first Monday in May**
6 **2000 and every four (4) years thereafter.**

7 (b) Each political party whose nominee received at least ten percent
8 (10%) of the votes cast in the state for secretary of state at the last
9 election shall nominate all candidates to be voted for at the municipal
10 election to be held in November.

11 SECTION 2. IC 3-10-6-5 IS AMENDED TO READ AS
12 FOLLOWS: Sec. 5. Except as otherwise provided in this chapter, a
13 municipal election ~~shall~~ **may** be held on the first Tuesday after the first
14 Monday in November 1999 and every four (4) years thereafter **or may**
15 **be held on the first Tuesday after the first Monday in November**
16 **2000 and every four (4) years thereafter. A municipal election shall**
17 **be held during the same year as a municipal primary election. At**

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the election public officials shall be elected to each municipal and school board office.

SECTION 3. IC 3-13-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A vacancy that occurs, other than by resignation, in the office of judge of a circuit, superior, probate, or county court shall be certified to the governor by the circuit court clerk of the county in which the judge resided.

(b) A vacancy in the office of judge of a circuit court shall be filled by the governor as provided by Article 5, Section 18 of the Constitution of the State of Indiana. The person who is appointed holds the office until:

(1) the end of the unexpired term; or

(2) a successor is elected at the next general election and qualified;

whichever occurs first. The person elected at the general election following an appointment to fill the vacancy, upon being qualified, holds office for the six (6) year term prescribed by Article 7, Section 7 of the Constitution of the State of Indiana and until a successor is elected and qualified.

(c) A vacancy in the office of judge of a superior, probate, or county court shall be filled by the governor subject to the following:

(1) IC 33-5-5.1-37.1.

(2) IC 33-5-5.1-41.1.

~~(3) IC 33-5-29.5-39;~~

~~(4) IC 33-5-40-44;~~

The person who is appointed holds office for the remainder of the unexpired term.

SECTION 4. IC 5-8-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19. (a) Under Article 7, Section 13 of the Constitution of the State of Indiana, whenever a circuit, superior, probate, or county court judge or prosecuting attorney has been convicted of corruption or any other high crime, the attorney general shall bring proceedings in the supreme court, on information, in the name of the state, for the removal from office of the judge or prosecuting attorney.

(b) If the judgment is against the defendant, the defendant is removed from office. The governor, the officer, or the entity required to fill a vacancy under IC 3-13-6-2 shall subject to **the following**:

(1) IC 33-5-5.1-37.1.

(2) IC 33-5-5.1-41.1.

~~(3) IC 33-5-29.5-39; and~~

~~(4) IC 33-5-40-44;~~



1 appoint or select a successor to fill the vacancy in office.

2 SECTION 5. IC 33-5-29.5-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There shall be
4 and is hereby established a superior court in Lake County, Indiana
5 (hereinafter referred to as "the court").

6 **(b) The court consists of:**

7 **(1) thirteen (13) judges, who shall be elected at the general**
8 **election every six (6) years in Lake County; plus**

9 **(2) the Lake County circuit court judge if the circuit court**
10 **judge chooses to sit on the superior court of Lake County.**

11 **(c) The term of a judge described in subsection (b)(1) begins**
12 **January 1 following the election and ends December 31 following**
13 **the election of the judge's successor.**

14 **(d) To be eligible to hold office as judge of the court under**
15 **subsection (b)(1), a person must:**

16 **(1) be a resident of Lake County;**

17 **(2) be less than seventy (70) years of age at the time of taking**
18 **office; and**

19 **(3) be admitted to the practice of law in Indiana.**

20 SECTION 6. IC 33-5-40-1 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is
22 established a superior court in St. Joseph County, Indiana ~~which~~
23 **(referred to as "the court" in this chapter).**

24 **(b) The court shall consist consists of eight (8) judges, who shall**
25 **be elected at the general election every six (6) years in St. Joseph**
26 **County. A judge's term begins January 1 following the election and**
27 **ends December 31 following the election of the judge's successor.**

28 **(c) To be eligible to hold office as judge of the court, a person**
29 **must:**

30 **(1) be a resident of St. Joseph County;**

31 **(2) be less than seventy (70) years of age at the time of taking**
32 **office; and**

33 **(3) be admitted to the practice of law in Indiana.**

34 SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE
35 JULY 1, 1999]: IC 33-5-29.5-26; IC 33-5-29.5-27; IC 33-5-29.5-28;
36 IC 33-5-29.5-29; IC 33-5-29.5-30; IC 33-5-29.5-31; IC 33-5-29.5-32;
37 IC 33-5-29.5-33; IC 33-5-29.5-34; IC 33-5-29.5-35; IC 33-5-29.5-36;
38 IC 33-5-29.5-37; IC 33-5-29.5-38; IC 33-5-29.5-39; IC 33-5-29.5-40;
39 IC 33-5-29.5-41; IC 33-5-29.5-42; IC 33-5-29.5-42.5; IC 33-5-29.5-43;
40 IC 33-5-40-33; IC 33-5-40-34; IC 33-5-40-35; IC 33-5-40-36;
41 IC 33-5-40-37; IC 33-5-40-38; IC 33-5-40-39; IC 33-5-40-40;
42 IC 33-5-40-41; IC 33-5-40-42; IC 33-5-40-43; IC 33-5-40-44;



1 IC 33-5-40-45; IC 33-5-40-46; IC 33-5-40-47; IC 33-5-40-48;
 2 IC 33-5-40-49; IC 33-5-40-50; IC 33-5-40-51; IC 33-5-40-52
 3 IC 33-5-40-53; IC 33-5-40-54; IC 33-5-40-55; IC 33-5-40-56;
 4 IC 33-5-40-57; IC 33-5-40-58; IC 33-5-40-59; IC 33-5-40-60;
 5 IC 33-5-40-61; IC 33-5-40-62; IC 33-5-40-63; IC 33-5-40-64;
 6 IC 33-5-40-65; IC 33-5-40-66; IC 33-5-40-67; IC 33-5-40-68;
 7 IC 33-5-40-69; IC 33-5-40-70; IC 33-5-40-71; IC 33-5-40-72;
 8 IC 34-46-2-30.4.

9 SECTION 8. [EFFECTIVE JULY 1, 1999] **Notwithstanding the**
 10 **amendment and repeal by this act of provisions in IC 33-5-29.5 and**
 11 **IC 33-5-40, the term of a judge in office in the superior court of**
 12 **Lake County or the St. Joseph superior court does not terminate**
 13 **until the date that the term would have terminated under the law**
 14 **in effect on June 30, 1999. The election for the initial judge to be**
 15 **elected under IC 33-5-29.5 or IC 33-5-40, as amended by this act,**
 16 **to a superior court that exists in Lake County or St. Joseph County**
 17 **on June 30, 1999, is the general election immediately preceding the**
 18 **date that the term of the judge in office on June 30, 1999, would**
 19 **have terminated under the law in effect on June 30, 1999.**

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